

September 21, 2006

VIA FACSIMILE
VIA OVERNIGHT MAIL

Federal Election Commission
Office of the General Counsel
999 E Street, N.W.
Washington, D.C. 20463

MUR # 5825

2006 SEP 27 A 10:19

FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Re: Complaint against Pennsylvania Democratic State Committee

Dear Commissioners:

This letter constitutes a formal complaint filed under 2 U.S.C. § 437(g)a of the Federal Election Campaign Act ("FECA") on behalf of the Montgomery County Republican Committee of Pennsylvania, the Chester County Republican Committee of Pennsylvania, and the Berks County Republican Committee of Pennsylvania.

It is our belief, based on the information set out below, that the Pennsylvania Democratic State Committee ("Pennsylvania Democrats") has violated FECA and the Commission's regulations with respect to 6 mail communications, attached hereto as Exhibits A, B, C, D, E and F. Specifically, it appears that the Pennsylvania Democrats have either (1) violated 11 C.F.R. § 110.11(b)'s disclaimer requirements; or (2) are improperly attempting to fund these mailings under the "volunteer activity for party committees" exemption in 11 C.F.R. §§ 100.87, 100.147.

The mail communications at issue were paid for by the Pennsylvania Democrats and constitute Federal Election Activity, as defined in 11 C.F.R. § 100.24(b). Exs. A, B, C, D, E and F. All 6 mail pieces promote Democrat Lois Murphy's House candidacy and attack Republican Congressman Jim Gerlach, and contain disclaimers stating only "Paid for by Pennsylvania Democratic State Committee." None of the mail pieces nor their disclaimers state whether or not any candidate or candidate's committee authorized the communication. Under the 11 C.F.R. §§ 110.11(b) such communications must state whether or not the communication was authorized by the candidate or candidate's committee. The Pennsylvania Democrats' mail pieces fail to state either, and thus violate the disclaimer requirements.

Indeed, the only way such a disclaimer would not here violate section 110.11(b) is if the communication qualified as exempt party activity under section 100.147(d). That is, if the attached mail pieces were "distributed by volunteers and not by commercial or for-profit operations." Since the attached commercially produced mail pieces clearly bear commercially printed labels and postage stamps *see* Exs. A, B, C, D, E and F these mail pieces do not satisfy the volunteer requirement of 11 C.F.R. § 100.147.

Put simply, the Pennsylvania Democrats have either violated the disclaimer requirements, or failed to allocate and report the costs of such materials to the Lois Murphy

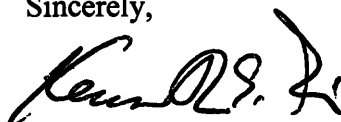
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for Congress committee as either a contribution under 2 U.S.C. § 441a, or a party expenditure under 2 U.S.C. § 441a(d). As a result, it appears that the Pennsylvania Democrats made an excessive contribution to the Lois Murphy for Congress committee.

We ask that the FEC open an investigation at once on the Pennsylvania Democrats' illegal mail program that is benefiting Lois Murphy and put a stop to this egregious violation of federal election law immediately.

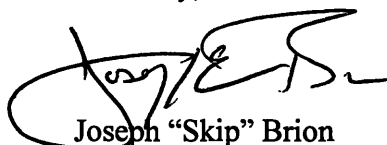
The above is true and correct to the best of our knowledge, information, and belief.

Sincerely,



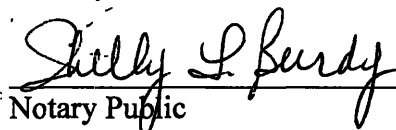
Kenneth E. Davis
Chairman
Montgomery County Republican Committee

Sincerely,



Joseph "Skip" Brion
Chairman
Chester County Republican Committee

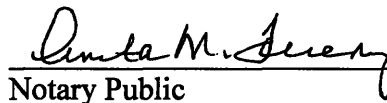
Subscribed and sworn to before me on this
21st day of Sept., 2006.



Notary Public

My commission expires on 5-19-2007

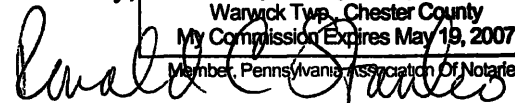
Subscribed and sworn to before me on this
21st day of Sept., 2006.



Notary Public

My commission expires on 4-23-10

Sincerely,



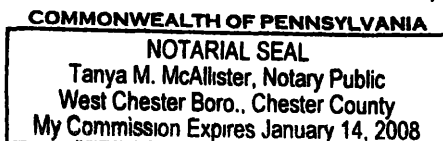
Ronald C. Stanko
Chairman
Berks County Republican Committee

Subscribed and sworn to before me on this
26th day of Sept., 2006.



Notary Public

My commission expires on Jan 14, 2008



COMMONWEALTH OF PENNSYLVANIA



COMMONWEALTH OF PENNSYLVANIA

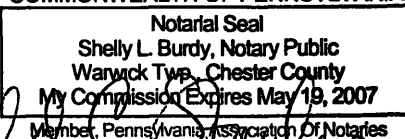


Exhibit A
F 2005

Lois Murphy



Determined to change what
is happening in Congress

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Reply 1

"In Congress, I will work to ;
whether proposed by

Congress is dominated by powerful special interests and weak politicians.

They waste billions of our taxpayer dollars on no-bid contracts in Iraq, ridiculous political projects like the Bridge to Nowhere in Alaska and trips around the globe for themselves.

Ethics scandals forced Republican leader Tom Delay to resign and California Congressman Duke Cunningham to go to prison.

Yet our Representatives in Congress have failed to take action on strict ethics and lobbying reform.



28044184041

Page 12

top wasteful spending
Democrats or Republicans."

— Lois Murphy



We need to change the agenda in
Washington.

I am running for Congress because I can't sit
still and watch failed leadership in Washington
take our country further into trouble.

We have a responsibility to build a better
future for our children.

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Panel 3



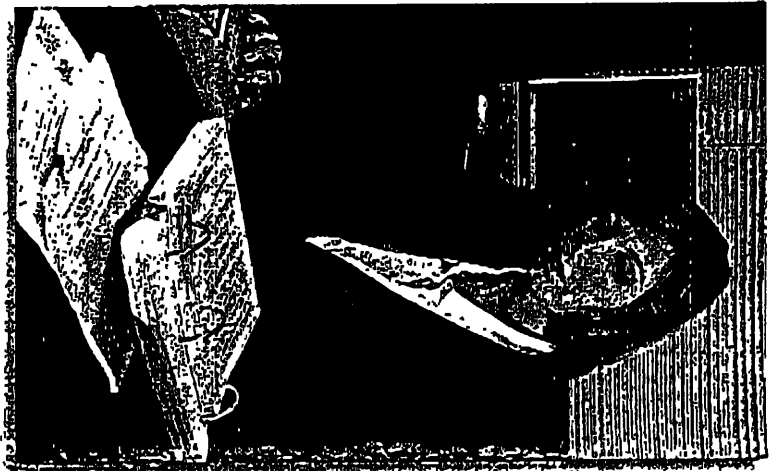
A college education is more important than ever, yet more and more families are finding it harder to save for college tuition. As a parent with a child entering high school, I know what this is like.

I am committed to make a college education more affordable by providing a \$10,000 per year tuition tax deduction.

If you want to change what is happening in Washington – if you believe we must take responsibility to build a better future for our children – then I ask for your vote this November.

Lois Murphy
Lois Murphy

28044184043

Panel 4

When I read about wasteful spending of our tax money, I just can't accept it. And you shouldn't have to put up with it either. I am determined to stop wasteful spending and fiscal irresponsibility.

That is why the Philadelphia Inquirer has called me a "Deficit Hawk." Because I will demand that our Congress act responsibly and not continue the outrageous current practices of "borrow and waste."

www.loismurphy.org

28044184044

Back

—Lois Murphy

THE UNIVERSITY OF CHICAGO

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DATE 07-19-2008 BY 60322 UCBAW

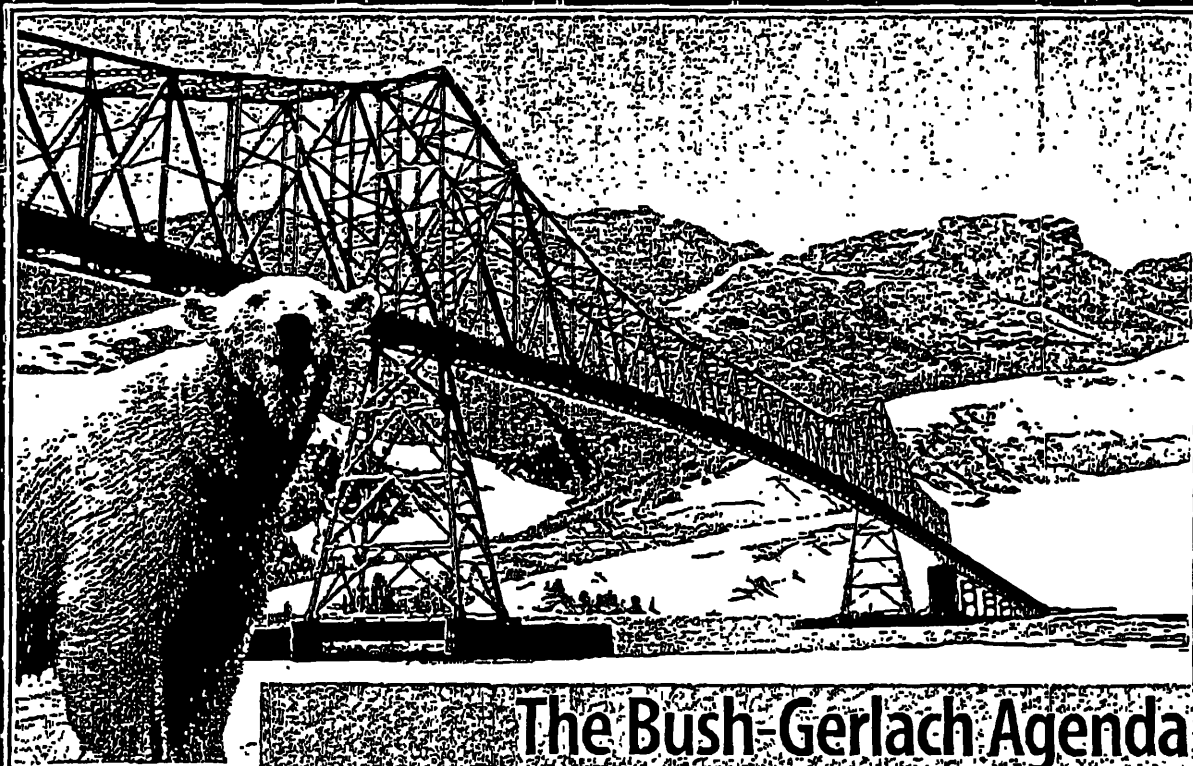
MELODY T JOHNSON
RAYMOND J JOHNSON JR
CIVATESVILLE PA 19320-1991

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28044184045

Jim Gerlach Voted To Spend \$223 Million Of Our Money On The Bridge To Nowhere In Alaska



The Bush-Gerlach Agenda Has
Produced A \$318 Billion Budget Deficit

Pennsylvania Democratic State Committee
300 North Second Street, 8th Floor
Harrisburg, PA 17101



XXXXXXXXXXXXXXXXXXXXECRLOTXXCO21
KATHLEEN A VOLTZ

DOWNINGTOWN PA 19335-1992

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Lois Murphy Will Work To Stop Congress From Wasting Our Money



Dear Neighbor:

When I read about wasteful spending of our tax money, like the \$223 million "bridge to nowhere," I just can't accept it. And you shouldn't have to put up with it either.

I feel so strongly that I am determined to stop this kind of wasteful spending. That is why I am running for Congress -- to make a difference -- and to stop the waste and abuse.

My husband Ben and I know that when you are raising a family, every dollar counts. We strive to do the best for our two daughters, Emily (age 14) and Lily (age 10), and we work hard to save for their college educations.

Our representatives should be just as responsible with our tax dollars. That is why it is intolerable to read story after story about how Jim Gerlach squanders hundreds of millions of taxpayer dollars on needless pet projects.

Gerlach voted for the \$223 million "Bridge to Nowhere" in Alaska. The bridge will connect the town of Ketchikan (population 8,900) with its airport on the Island of Gravina (population 50). A ferry service already runs to the island. I guess Jim Gerlach thinks it is worth spending \$223 million to save some residents the 15 minute wait for the 10 minute ferry ride.

I don't agree.

In Congress, I will work hard to stop wasteful spending, whether proposed by Democrats or Republicans.

I will support "pay-as-you-go" rules to eliminate deficit spending. No project would be approved unless we know ahead of time how it will be paid for.

We don't have any money to waste in our household. If you elect me as your representative in Congress, I won't waste yours.

Lois Murphy

Vote
Lois Murphy
for Congress

www.loismurphy.org

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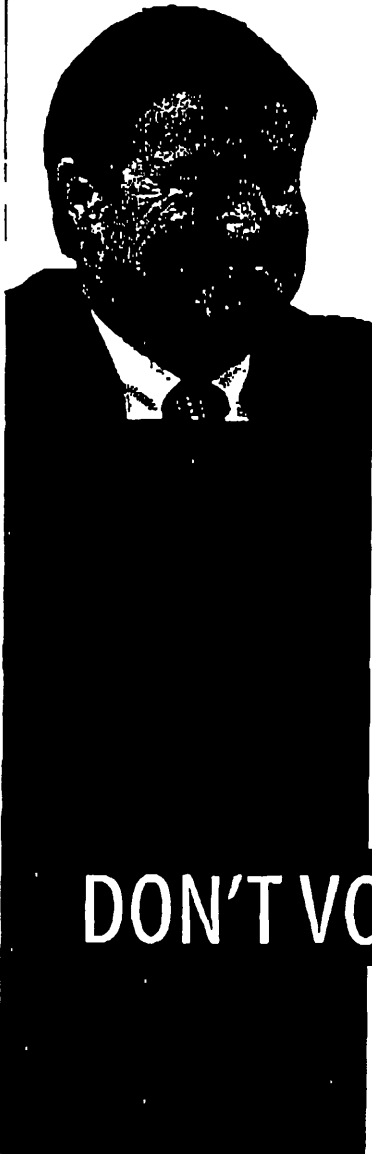
Exhibit D



Do You Think The Energy
Companies Deserve A Massive
Tax Break From Congress?

28044184048

Congressman Jim Gerlach Voted To Give The Energy Companies A Massive Tax Break



After energy special interests donated more than \$150,000 to Congressman Jim Gerlach, Gerlach voted to give the oil and gas companies massive tax breaks. (www.crp.org; vote #445, 7/28/05)

It's outrageous!

- ① Gerlach votes to give the energy companies massive tax breaks after they finance his election campaigns.
- ② The oil companies declare record profits.
- ③ We pay more than \$3.00 a gallon.

Don't put up with the Bush-Gerlach special interest agenda anymore.

DON'T VOTE FOR JIM GERLACH

28044184049

EXUN

Self

regular
leaded

319 ⁹/₁₀

plus
leaded

331 ⁹/₁₀

Supreme
leaded

345 ⁹/₁₀



Lois Murphy Will Take On The Big Energy Companies

Dear Neighbor:

I won't hesitate to take on the big oil companies. Unlike Jim Gerlach, I am not taking their money.

I believe Congress should conduct a full-scale investigation into price gouging at the pumps so Pennsylvania families aren't getting ripped off.

We also need to require auto makers to produce more efficient cars and dramatically boost federal support for new alternative energy sources.

It is outrageous that Gerlach voted to give the energy companies massive tax breaks after they poured \$150,000 into his election campaigns.

If you are fed up with special interests dominating Congress, then I ask for your vote.

I will change the Bush-Gerlach special interest agenda.

Sincerely,

Lois Murphy

Vote
Lois Murphy
for Congress

28044184050



If You Want To Change The
Bush-Gerlach Special Interest Agenda,
Vote
Lois Murphy
for Congress

Pennsylvania Democratic State Committee
300 North Second Street, 8th Floor
Harrisburg, PA 17101

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MARY E MCANDREWS

GLADWYNE PA 19035-1321

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After the energy special interests donated more than \$150,000 to Congressman Jim Gerlach, Gerlach voted to give the oil and gas companies massive tax breaks.

(www.crp.org; vote #445, 7/28/05)

Exhibit D

28044184052

EXXON**Self****Regular**
Unleaded**319** $\frac{9}{10}$ **Plus**
Unleaded**331** $\frac{9}{10}$ **Supreme**
Unleaded**345** $\frac{9}{10}$ 

Gerlach Takes Care Of The Energy Companies Instead Of Fighting For Our Families

Congressman Gerlach took money from the oil companies and voted to give them huge tax breaks, while we pay more than \$3.00 a gallon and the oil companies are making record profits.

This is exactly what is wrong with Washington and Jim Gerlach.

Gerlach takes care of the energy companies instead of us

It is time to replace Jim Gerlach with a representative in Congress who will fight for our families.

It Is Time For Change In Washington

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Lois Murphy Will Change The Bush-Gerlach Special Interest Agenda

Dear Neighbor:

My husband Ben and I are raising our own two girls, Emily age 14 and Lily age 10.

I am also a lawyer who represents small business owners and families.

We balance our checkbook each month and deal with the same bills most families face to pay for our mortgage, health care, gas, utilities and car loans while we also try to save for the girls' college fund.

I am running to change the Bush-Gerlach agenda. I will fight for our families and not the special interests.

Unlike Congressman Gerlach, I will not be beholden to the big oil companies, and I won't hesitate to take them on.

I believe Congress should conduct a full scale investigation into price gouging at the pumps in Pennsylvania when our prices skyrocketed after Hurricane Katrina devastated New Orleans

I believe we should stop the tax breaks and giveaways to big oil and energy companies, and do much more to promote energy independence.

Please support my campaign to change Congress and vote for me in November.

Sincerely,

Lois Murphy

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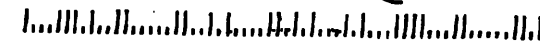
QUESTION: What has Jim Gerlach done to take on the energy companies and lower the cost of our gas?



ANSWER: Nothing. In fact, he's been on the other side. Instead of fighting for us, Jim Gerlach voted to give the energy companies massive tax breaks after they gave his campaign more than \$150,000. (www.crp.org; vote #445, 7/28/05)

Pennsylvania Democratic State Committee
300 North Second Street, 8th Floor
Harrisburg, PA 17101

Nick —



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MARY E MCANDRENS

GLADWYNE PA 19035-1521

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While the drug companies spent more than \$500,000 to elect Jim Gerlach to Congress, Gerlach voted to prohibit Medicare from negotiating lower prices with the drug companies.

Jim Gerlach
is a tough
pill to swallow.

Exhibit 2

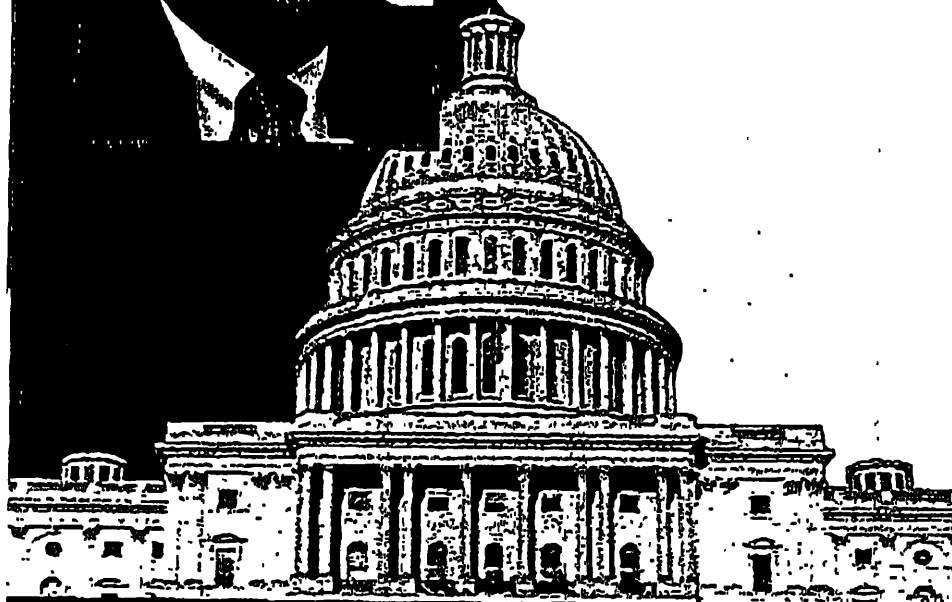
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While the drug companies spent hundreds of thousands of dollars to elect Jim Gerlach to Congress, he returned the favor by voting to pass a law that prohibits Medicare from negotiating lower prices from the drug companies.

The Veterans Administration has the power to negotiate lower prices with the drug companies. Recent studies show seniors are paying 46% more for their drugs under Medicare Part D than veterans do. (*Families USA study, 6/20/06*)

That is wrong.



CHANGE THE BUSH-GERLACH AGENDA



Lois Murphy Will Give Medicare The Power To Negotiate Lower Prices With The Drug Companies

Lois Murphy understands the problems families face paying the high cost of prescription drugs.

She supports changing the Medicare Part D Prescription Drug Program so Medicare can get lower prices for seniors the same way the Veterans Administration negotiates lower prices for veterans.

It is the right thing to do.

*Lois will represent our families,
not the drug companies.*

Vote Lois Murphy
for Congress

www.loismurphy.org

28044184058

I will be an independent voice for change.
I'll work every day to solve the problems facing
our families and our country.

Murphy



Lois Murphy
for Congress

Pennsylvania Democratic State Committee
300 North Second Street, 8th Floor
Harrisburg, PA 17101



XXXXXXXXXXXXXXXXXXXXECRLDT**C004
MARY E MCANDREWS

GLADWYNE PA 19035-1521

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Who Shares Your Values?



Jim Gerlach



Lois Murphy

Exhibit F

28044184060

Only One Candidate Will Fit

Lois Murphy Is Supported By Families In Berks, Chester And Montgomery Counties



Dear Neighbor:

I decided to run for Congress because politicians like Jim Gerlach aren't doing the things needed to help our families.

Jim Gerlach voted to waste our money on ridiculous projects like the Bridge to Nowhere in Alaska and to give the energy and big oil companies \$14.5 billion in tax breaks and subsidies while we pay record prices at the pump.

My Agenda To Help Families:

I will vote to give Medicare the power to negotiate directly with the drug companies to get lower prices for seniors on their prescriptions.

I will vote to create a new \$10,000 per year tuition tax deduction to make it easier to afford college.

I will vote to repeal tax breaks for the oil companies and use the money to increase funding for research and development of alternative energy sources such as wind, solar and hydrogen technology.

I will vote for new middle-class tax cuts.

Please join my campaign to get Congress back on the side of our families.

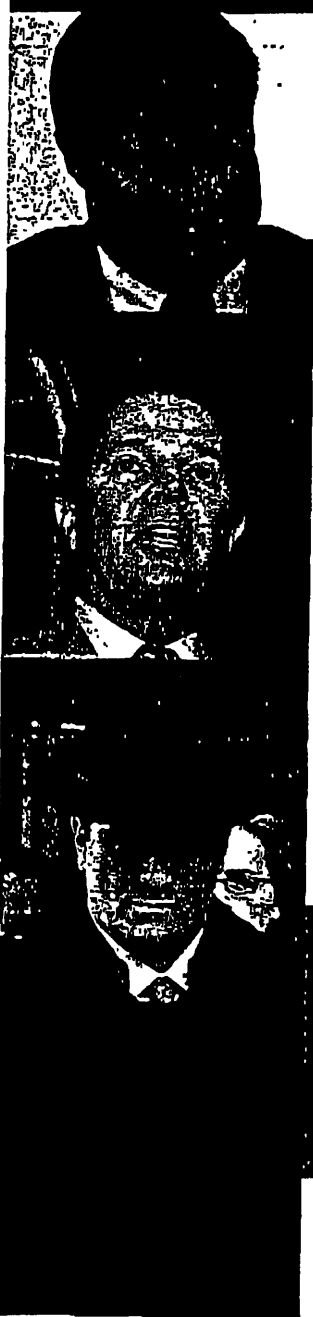
Lois Murphy

Lois Murphy

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nt For Pennsylvania Families!

Gerlach Is Supported By A Corrupt Lobbyist And A Corrupt Congressman



Jim Gerlach is backed by convicted lobbyist Jack Abramoff, corrupt Congressman Tom DeLay, and big oil and drug companies.

Convicted lobbyist Jack Abramoff's group ran \$860,000 in television ads to help elect Jim Gerlach to Congress.

Texas Congressman Tom DeLay gave Jim Gerlach \$30,000. DeLay was forced to resign from Congress due to ethics scandals. Gerlach gave DeLay's legal defense fund \$2,000 and refuses to give back the \$30,000 DeLay gave his campaign.

The energy and big oil companies gave Gerlach \$170,000 and Gerlach voted to give them \$14.5 billion in tax breaks and subsidies.

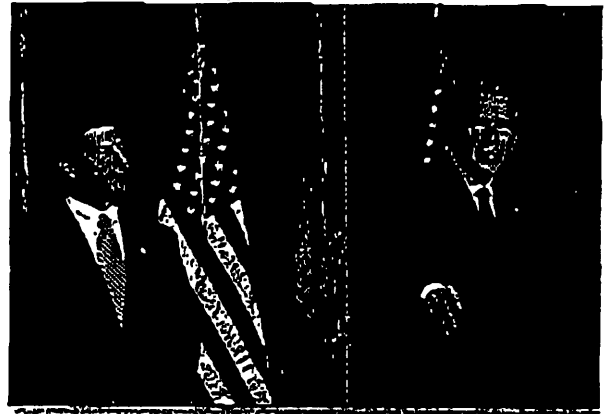
The drug companies spent more than a million dollars to elect Gerlach to Congress, and Gerlach returned the favor by voting to prohibit Medicare from negotiating lower prices from the drug companies.

**Jim Gerlach is working for his cronies, not us.
It is time to change Congress.
Don't Vote For Jim Gerlach.**

28044184062



Ed Rendell is Honorary
Chair of Lois's campaign
because he knows Lois
will do what is best for
Pennsylvania families.



Jim Gerlach supports the
failed Bush agenda that has
taken our country in the
wrong direction.

Lois Murphy for Congress

Pennsylvania Democratic State Committee
300 North Second Street, 8th Floor
Harrisburg, PA 17101



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BOYMAN T MOUJNO

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